ONC
ORUTSARARMIUT NATIVE COUNCIL

RECEIVED
APR - 8 2003
BUREAU OF INDIAN AFFAIRS
OFFICE OF THE REGIONAL DIRECTOR

Mr. Niles C. Cesar
Director
Juneau Area Office
Bureau of Indian Affairs
Federal Building
P.O. Box 3-8000
Juneau, Alaska 99802-1219

Mr. Cesar:

Enclosed is a Constitution which was passed by eligible voters of Orutsararmiut Native Council in Bethel, Alaska on April 13, 2002. Starting 20001, Orutsararmiut Native Council has been holding it's annual meeting during the month of April in the community of Bethel, Alaska.

As evidenced by the completed Certificate of Results and Election, the Constitution of Orutsararmiut Native Council of Bethel, Alaska was duly adopted by a vote of 338 for and 0 against in an election in which thirty-one percent (31%) of the 1,091 members entitled to vote cast their ballots.

As result of the election results, Orutsararmiut Native Council therefore submits the enclosed constitution.

Sincerely,

Flora Olrun,
Executive Director

cc: Tribal Operation's Dept.

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BUREAU OF INDIAN AFFAIRS

APR - 8 2003

TRIBAL GOVERNMENT SERVICES
JUNEAU REGIONAL OFFICE

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order issued on November 6, 1991 by the United States District Court, District of Alaska, the Constitution of the Orutsararmiut Native Council was submitted to the qualified voters of the Orutsararmiut Native Council, and was on APRIL 13, 2002 (date) duly adopted/rejected by a vote of 338 for, and 0 against, and 0 cast ballots found spoiled or mutilated in an election in which at least thirty (30) percent of the 1091 (number) members entitled to vote, cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), the Act of May 1, 1936 (49 Stat. 1250), and the Act of November 1, 1988 (102 Stat. 2938).

Signature, Chairman Election Board

Signature, Member Election Board

Signature, Member Election Board

4-3-03
Date

Orutsararmiut Native Council
P.O. Box 927
Bethel, Alaska 99559
(907) 543-2608

CONSTITUTION
OF THE
ORUTSARARMIUT TRADITIONAL NATIVE COUNCIL

PREAMBLE

We, a group of Alaska Natives, residents of the State of Alaska, and citizens of the United States, constitute the Orutsararmiut Native Tribe of Bethel, Alaska and by this declaration, we assert our freedom as a people with the common bond of residence in or association with the Orutsararmiut Native Tribe, and as such, we ordain and institute this Constitution to protect our way of life and more effectively govern ourselves and our relationship to all other governments and other peoples, and promote our Tribe's social, economic and cultural progress.

MISSION STATEMENT

The mission of the Orutsararmiut Traditional Native Council is to promote the general welfare, enhance independence, encourage self-sufficiency/self-motivation, enhance quality of life, and preserve cultural and traditional values of the tribe, and to exercise tribal authority over resources through educational, economic and social development opportunities.

Article I. NAME

The name of this Council is the Orutsararmiut Traditional Native Council (hereinafter referred to as ONC).

Article II. JURISDICTION

The Jurisdiction of the ONC shall extend to all lands constituting the Community of Bethel, Alaska, as defined by Federal law, and to such other lands as may hereafter be acquired by purchase, gift, act of Congress, or otherwise, and held in the name of the ONC.

Article III. MEMBERSHIP

Section 1. BASE MEMBERSHIP. ONC shall determine the base membership roll, which has been determined to be the original enrollment of the Bethel

Native Corporation (BNC) members. Base members must have at least one-fourth (1/4) degree Alaska native blood. The ONC will have the final authority to accept new members.

Section 2. Qualification of Children. All children born to the original members of the Bethel Native Corporation roll shall be eligible for membership in ONC.

Section 3. Dual Enrollment. A member of the Orutsararmiut Native Council may not be a member of another tribe. Dual membership will be considered only for the purpose of Indian Child Welfare Act cases and must comply with ONC's Establishing Membership Criteria and Enrollment Procedures Ordinance and approved by the Orutsararmiut Native Council.

Section 4. Loss of Membership. Removal of names from ONC's enrollment list will be done for any member willing to give up his/her membership. Those enlisted under "Dual Enrollment" shall be automatically removed from ONC's enrollment list when the member reaches the age of eighteen (18).

Section 5. Regulation of Membership. The ONC shall have the power to enact ordinances and resolutions consistent with this Constitution, setting forth the rules and regulations governing membership.

ARTICLE IV. RIGHTS OF MEMBERSHIP

Section 1. All members of Orutsararmiut Native Tribe shall have an equal right to share in the resources of the tribe.

Section 2. The Orutsararmiut Native Tribe embraces the freedoms guaranteed in the "Indian Civil Rights Act," both for themselves and others within ONC jurisdiction.

Section 3. The Consent of a majority of the Orutsararmiut Native Council shall be required prior to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Orutsararmiut Native Council assets, as provided in Article VI, Section 1, (d) herein.

Section 4. This Constitution shall not affect the rights and privileges of the members of the Orutsararmiut Native Tribe as citizens of the State of Alaska or the United States of America.

Section 5. The individual property rights of any member of Orutsararmiut Native Tribe shall not be affected by the provisions of this Constitution.

Section 6. The Orutsararmiut Native Tribe shall, in a respectful way, have the right to review and question the work of ONC, including its records, in compliance with the privacy act.

ARTICLE V. GOVERNING BODY, POWERS, COMPOSITION AND QUALIFICATIONS

Section 1. Name. The Governing Body of the Orutsararmiut Native Tribe shall be the ONC.

Section 2. Powers. The Governing powers of Orutsararmiut Native Tribe, subject to the ultimate powers held by the tribe, shall rest in ONC, which shall hold its sessions at Bethel, Alaska.

Section 3. Composition. The ONC Council shall consist of seven (7) members who shall be elected by a majority vote of qualified members of the Orutsararmiut Native Tribe at their annual meeting.

Section 4. Qualifications. Qualification requirements shall comply with ONC's elections, filling of vacancies, removal and recall ordinance. The Ordinance shall require members to be enrolled in ONC, stipulate a minimum age and residency requirements.

Section 5. Officers. The officers shall include a Chairman, Vice-Chairman, Secretary and Treasurer who shall be elected annually by the council members of the ONC. The ONC may appoint such other officers as may be necessary from time to time either from within or outside the ONC.

Section 6. Term of Office. The terms of the Chairman, Vice-Chairman, Secretary and Treasurer shall be one year. Except as may be necessary to establish and maintain the staggered terms of the ONC. All officers serve at the discretion of the ONC.

Section 7. Assumption of Office. All ONC members shall take office immediately upon certification of the election.

Section 8. Conflict of Interest. A Council member may be hired by the ONC on a temporary basis only and not to exceed 30 consecutive working days. While so employed he/she shall abstain from participation on matters pertaining to his/her employment during council meetings.

Section 9. Removal of Council Members. Council member may be removed by a two-third vote of the other council members for good cause or failure to meet at three consecutive meetings without prior excusal by the chairman or vice-chairman. Removal for cause may include any reason allowed by law, including, but not limited to, conviction of a felony, gross misconduct or malfeasance. Violation of his duty of trust to the Orutsararmiut Native Council as a Council Member or harassment of any kind to other Council Members, officers, agents or employees of the Orutsararmiut Native Council.

ARTICLE VI. GOVERNMENTAL POWERS OF ORUTSARARMIUT NATIVE COUNCIL

A. Powers

Section 1. Governing Powers. Except as otherwise provided in this Constitution, all powers of Orutsararmiut Native Tribe shall be vested in the ONC, and set forth as follows:

(a) To represent and protect Orutsararmiut Native Tribe in all matters that concern the peace, safety, health and general welfare of Orutsararmiut Native Tribe, and to make decisions not inconsistent with or contrary to this Constitution.

(b) To take necessary and proper measures to implement and administer its decisions, policies and laws.

(c) To obtain title to land and property through purchase, gift, exchange, grant, testamentary disposition or otherwise.

(d) With consent of majority of the Orutsararmiut Native Council, as provided in Article IV, Section 3, to encumber, contract, lease, permit, sell, assign, manage, hold, own, dispose of or provide for the management of ONC lands, interests in such lands or other Orutsararmiut Native Tribal assets; to purchase or otherwise acquire lands or interests in lands within or outside Bethel, or other assets; and, to regulate the use and disposition of Orutsararmiut Native Council property of all kinds. The Orutsararmiut Native Council may designate authority to engage in transactions involving assets having a value of less than $10,000.

(e) To protect and preserve the property, wildlife and natural resources of Orutsararmiut Native Tribe.

(f) To employ legal counsel for the protection and advancement of the rights of Orutsararmiut Native Tribe.

(g) To enact laws establishing and governing a justice system, including setting up an independent tribal court or other conflict-resolution mechanism and law enforcement.

(h) To enter into agreements with native corporations and organizations, federal, state, or local governments, and to advise and consult with representatives of corporations and government agencies on all activities that may affect Orutsararmiut Native Tribe.

(i) To collaborate with other Native tribes to form a governmental association or other type of regional governance organization to the benefit of ONC.

(j) The ONC shall be the final arbiter of disputes concerning interpretations of this Constitution. This authority over interpretation of the Constitution shall remain in effect until such time as a judicial system is set forth under Article VI, A (g) at which time the judicial system shall assume this function.

(k) To join and/or charter and regulate community enterprises, housing authorities, educational board and systems, cooperative organizations, corporations, associations and subordinate organizations pertaining to ONC.

(l) To determine operational procedures of ONC.

(m) To delegate any of the powers under Article VI, Part A, Section 1, to subordinate officers, courts, committees or cooperative associations.

(n) To assure licenses and bonds and to levy and collect taxes, fees and assessments for community purposes upon individuals and profit and non-profit businesses, corporations and associations operating and/or conducting business within Tribal jurisdictional limits.

(o) To deal as a full and equal sovereign with the United States of America, the State of Alaska, and any other sovereign.

(p) To exercise such other powers as may be inherent in the sovereignty of Orutsararmiut Native Tribe, and to exercise such other additional powers as the Congress may expressly grant.

(q) To exercise full sovereign immunity, except as specifically waived in writing.

Section 2. Powers Not Expressly Stated. Any rights and powers which Orutsararmiut Native Tribe may have from the past but which are not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be exercised by ONC.

B. Meetings

Section 1. Regular meetings of ONC shall be held monthly, the date, time and place to be designated by ONC, with public notice given at least three (3) days in advance of each such meeting. Special meetings of ONC may be called by the Chairman of the ONC at his/her discretion. When so called, ONC shall have the power to transact business as in regular meetings, provided that a quorum is present. Attendance at any meeting shall act as prior notice of said meeting.

Section 2. A quorum of the ONC shall consist of four (4) members of the ONC. No business shall be transacted unless a quorum is present; however, those present may organize into an "ad hoc" committee to consider items on the agenda and to make recommendations for consideration at the next meeting when a quorum is present.

Section 3. All meetings of ONC shall be conducted by rules and procedures for the orderly conduct of business, as ONC may determine.

Section 4. Regular Meetings of the Orutsararmiut Native Tribe

(A) Regular meetings of the general membership of Orutsararmiut Native Tribe shall be held annually. The date, time and place of said meetings shall be determined by the Orutsararmiut Native Council and publicly communicated at least ten (10) days prior to said meetings.

(B) Special meetings of the Orutsararmiut Native Council may be called by the Chairman of ONC and shall be called by the Chairman of the ONC upon receipt of a petition signed by at least twenty-five percent (25%) of the voting members of Orutsararmiut Native Council.

Section 5. A quorum of the Orutsararmiut Native Tribe shall consist of twenty-five percent (25%) of the voting members of the Orutsararmiut Native Council.

Section 6. ONC may provide for further rules and regulations governing Orutsararmiut Native Tribal meetings.

C. Powers of the Orutsararmiut Native Tribe Assembled

Section 1. Assembled. The Orutsararmiut Native Tribe shall be properly assembled when, upon due notice by the Chairman or a majority of ONC, a quorum of twenty-five percent (25%) of the eligible voters meet in session for a stated purpose.

Section 2. Orutsararmiut Native Tribal Vote. Whenever the Orutsararmiut Native Tribe is properly assembled and a quorum is present, any decision taken within the scope of the powers indicated in Part A, Section 1, of this Article by a majority vote of the eligible voters voting shall bind the Orutsararmiut Native Tribe and the ONC, even if the action repeals a previous action of the ONC.

ARTICLE VII. ELECTIONS

Section 1. Election Committee. An election committee, appointed by ONC shall conduct, supervise and administer all Orutsararmiut Native Tribe elections in accordance with Orutsararmiut Native Tribal laws and in conformity with this Constitution. None of the members on the appointed election committee may be members of the council or candidates for office.

Section 2. Voting Qualifications. Any member of Orutsararmiut Native Tribe shall have the right to vote in any election or meeting provided that said

member is at least eighteen (18) years of age at the time of the election or meeting and a resident of Bethel.

Section 3. Secret Ballot. Members of the ONC and all other elective officials of the Orutsararmiut Native Tribe shall be chosen by secret ballot.

Section 4. Election Ordinance. This section shall comply with ONC's ordinance pertaining to elections, filling of vacancies, removal and recall. The ordinance shall, consistent with this Constitution, include provisions for conducting all tribal elections by secret and absentee balloting, declaration of candidates, maintenance of a current list of eligible voters, the settling of election disputes and other matters related to the conduct of elections. Further, the ordinance shall spell out the procedure and format to be used whenever it is necessary to submit petitions for any purpose to the Orutsararmiut Native Council and set forth a procedure for determining the validity of such petitions.

Section 5. Annual Elections. Annual elections of the Orutsararmiut Native Council shall be held annually on the same date as the regular annual membership meeting. For this election, the Orutsararmiut Native Council shall appoint an election committee, none of whose members may be candidates for the Orutsararmiut Native Council.

Section 6. Staggered Terms. At the first election or meeting, the terms of the ONC members shall be staggered according to the number of votes each candidate receives. The first top four (4) vote getters will be four (4) year terms and the last three (3) will be two (2) year terms. Thereafter each candidate shall be elected to a four (4) year term as determined under this Constitution, except as may thereafter be necessary to maintain the staggered terms.

Section 7. Election Committee. There shall be an election committee consisting of three (3) members appointed by the Council for each tribal election or meeting, whose duties shall be to supervise, administer and conduct the election. The election committee shall serve from the time of their appointment, until certification of the election for which the committee was appointed. Selection of the election committee shall comply with ONC's Election, Filling of Vacancies, Removal, and Recall Ordinance.

Section 8. Election of Traditional Chief. In the event of a vacancy, one (1) Traditional Chief shall be elected by majority vote of eligible Orutsararmiut Native Council members at their annual tribal meeting.

ARTICLE VIII. DUTIES OF OFFICERS

Section 1. Chairman. The Chairman shall preside at all meetings of the Orutsararmiut Native Tribe and of the ONC and shall execute on behalf of the Tribe all contracts, leases, or other documents approved by the Orutsararmiut Native Council. The

Chairman shall vote on matters before ONC. When the Council is not in session, the Chairman shall be the official representative of the Orutsararmiut Native Tribe.

Section 2. Vice-Chairman. The Vice-Chairman shall assist the Chairman when called upon to do so. In the absence of the Chairman, the Vice-Chairman shall preside and when so presiding shall have all the rights, privileges, duties and responsibilities of the Chairman.

Section 3. Secretary. The Secretary shall ensure that all minutes of all meetings are recorded and shall attest to the enactment of all resolutions and ordinances. The Secretary shall issue notices of all meetings and elections, conduct and maintain all general correspondence as directed by ONC. The Secretary may designate these duties, in whole or part, to the Tribal Operations Director. At the expiration of his/her term in office, the Secretary shall turn over all the records and papers in his possession to his/her successor or to ONC.

Section 4. Treasurer. If the ONC Council chooses to elect a Treasurer, this officer shall carry out the financial directives of the ONC, receive all monies and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the ONC account in a local bank selected by the Council where depositors' funds are insured by the Federal Deposit Insurance Corporation or the equivalent. All disbursements shall be made by check in accordance with resolutions of the Council. The Treasurer shall give a financial report to the Council on a regular basis set by the council, and all financial records shall be available for inspection by any member of the Tribe. At the expiration of his term in office, the Treasurer shall turn over all the records and papers in his possession to his/her successor or to the Council.

Section 5. Assumption of Office. Newly-elected officers shall assume their respective offices and duties immediately upon being elected and seated.

Section 6. Appointed Officers. The duties, scope of responsibilities and term of office of all officers appointed by ONC shall be explained to the new members when they assume their respective offices by the incumbent members.

Section 7. Blanket Bond. A Surety bond, satisfactory to the Council and commensurate with the financial responsibilities handled by any ONC member, official, authorized representative or staff member, shall be filed and paid for annually from ONC funds.

ARTICLE IX. REMOVAL, RECALL, FORFEITURE & VACANCIES

Section 1. Removal. Any member of ONC or elected officer of ONC shall be removed from office by a secret majority vote of ONC in favor of removal upon being charged by ONC that the member is guilty of gross misconduct in office or neglect

of duty. No member of ONC shall preside over the meeting at which his/her removal is being considered. The accused shall have the right to cast a secret ballot. Procedures for removal shall comply with ONC's Election, Filling of Vacancies, Removal, and Recall Ordinance.

Section 2. Recall. Upon the receipt and filing with the Secretary of ONC of a petition demanding the recall of any member of the Council or elected officer, which petition shall be signed by at least twenty-five (25%) of the eligible voters, it shall be mandatory for the ONC Tribe to call a special election on the question of the recall of said elected official. Recall procedures shall comply with ONC's Elections, Filling of Vacancies, Removal and Recall Ordinance.

Section 3. Forfeiture. If any member of ONC shall become deceased or resign, said member shall automatically forfeit his/her office.

Section 4. Vacancy. In the event of a vacancy, the unexpired term shall be filled by a qualified person appointed by a majority vote of the Council in compliance with ONC's Elections, Filling of Vacancies, Removal and Recall Ordinance.

ARTICLE X. POPULAR PARTICIPATION IN GOVERNMENT: INITIATIVE AND REFERENDUM

Section 1. Initiative. Any matter of legislative concern to Orutsararmiut Native Tribe may be presented for action by the voters to determine whether it will be adopted or rejected, provided a petition signed by at least twenty-five percent (25%) of the eligible voters of Orutsararmiut Native Tribe and setting forth the issues or matters to be considered is first filed with the Secretary. The affirmative vote of a majority of the eligible voters voting by secret ballot on the matter or issues shall be conclusive and binding upon ONC and the Orutsararmiut Native Tribe.

Section 2. Referendum. Upon the filing of a petition with the Secretary of the ONC signed by at least twenty-five percent (25%) of the eligible voters of the Orutsararmiut Native Tribe, or upon the request of a majority of the members of the Council, any enacted law or resolution of the Council shall be submitted by the Council to a popular referendum, to be conducted by the Election Committee, such referendum to be called and held within thirty (30) days of the date of the filing or request.

Section 3. Law. The ONC, by law, shall provide for additional rules and regulations concerning initiatives and referendums within six (6) months of the adoption of this Constitution.

ARTICLE XI. CONSTITUTION AMENDMENT

Section 1. This Constitution may be amended by a majority vote of the eligible voters of Orutsararmiut Native Tribe voting at an election called for that purpose, provided that at least twenty-five percent (25%) shall vote in such election.

Section 2. It shall be the duty of ONC to call an election for any proposed amendment at the request of a majority of the Orutsararmiut Native Tribe or upon the presentation of a petition signed by at least twenty-five percent (25%) of the eligible voters of the Orutsararmiut Native Tribe.

ARTICLE XII. ADOPTION

This Constitution, when adopted by a majority vote of the eligible voters of the Orutsararmiut Native Tribe voting at an election called for that purpose by the Orutsararmiut Native Council and in which at least twenty-five percent (25%) of those entitled to vote shall cast their ballots.

ARTICLE XIII. SEVERABILITY

If any provision of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV. SAVINGS CLAUSE

All previous laws, ordinances and resolutions of the Council shall remain in effect to the extent they are not inconsistent with this Constitution.

ARTICLE XV. CERTIFICATION OF ADOPTION

The foregoing Constitution of the Orutsararmiut Traditional Native Council was adopted on April 13, 2002 by a majority vote of qualified tribal members of Orutsararmiut Native Council at their annual meeting.

/Henry J. Hunter Sr
Henry J. Hunter, Sr., Chairman

13 April 02
Date

Robert N. Hoffman
Robert Hoffman, Secretary

17 April 02
Date